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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

NAVIGATORS INSURANCE CO., INC., a/s/o )  
and on behalf of AMERICA'S FREIGHT )  
CARRIER, INC., d/b/a MERIT FREIGHT )  
SYSTEM, )

Plaintiff, )

v. )

NG EXPRESS, INC., MONTEX )  
TRANSPORTATION, INC., and NORTHWOOD )  
ASSOCIATES, INC., )

Defendants. )

)Case No.: 1:08 CV 1230

)Assigned Judge: George W. Lindberg

)Designated Magistrate Judge: Morton Denlow

**MOTION FOR LEAVE TO FILE ADDITIONAL APPEARANCE ON BEHALF OF  
DEFENDANTS, NG EXPRESS, INC. AND MONTEX TRANSPORTATION, INC.**

NOW COMES the LAW FIRM OF BULLARO & CARTON, P.C., by and through their attorneys, THOMAS A. CARTON and CORNELIUS J. HARRINGTON, III, and hereby move this Honorable Court for leave to file their additional appearance on behalf of the Defendants, NG EXPRESS, INC. and MONTEX TRANSPORTATION, INC., and in support thereof, state as follows:

1. The Plaintiff, Navigators Insurance Co., Inc. as subrogee on behalf of America's Freight Carrier, Inc. d/b/a Merit Freight System filed their complaint on February 29, 2008 seeking money damages in the approximate amount of \$249,000 due to the transit-related loss of certain goods that occurred on or about March 16, 2007. (Plaintiff's Complaint is incorporated herein by reference.)

2. Counts I and II of Plaintiff's Complaint are directed against the Defendants, NG Express, Inc. and Montex Transportation, Inc. (herein after "NG" and "Montex") pursuant to the Carmack Amendment wherein it is alleged that a shipment of goods from Tiger's facility in

Naperville, Illinois to a Tiger facility located in Miami, Florida was the subject of a loss by theft allegedly while these Defendants were transporting the subject shipment. These Defendants purchased a cargo liability insurance policy through their broker and co-defendant, Northwood Associates, Inc. (hereinafter "Northwood"). The subject policy was issued by Lexington Insurance Company (hereinafter "Lexington").

3. An insurance coverage dispute has arisen concerning the policy of insurance that had been issued to cover the cargo liability of these Defendants in that it is the position of these Defendants that they were not notified nor provided with a copy of the insurance policy which limited the liability coverage for certain commodities including, but not limited to, audio and visual equipment and electronic data processing equipment.

4. Lexington Insurance Company, pursuant to the terms of its policy, has retained the law firm of Bullaro & Carton, P.C. to defend the interest of NG and Montex with respect to Plaintiff's Complaint. Michael Meschino previously filed an appearance on behalf of the Defendants NG and Montex pursuant to their request, but due to his inability to contact the appropriate representatives of NG and Montex, who are apparently out of the country, has not been able to get their approval for purposes of withdrawing his appearance at this time, and therefore, must remain as counsel of record for NG and Montex.

5. Regardless, it is imperative that the law firm of Bullaro & Carton be allowed leave to file their additional appearance on the part of said Defendants to represent their interest in accordance with the terms of the insurance and benefits provided thereunder by Lexington.

WHEREFORE, the law firm of BULLARO & CARTON, P. C., through its partners, Thomas A. Carton and Cornelius J. Harrington, III would respectfully ask that this Honorable Court grant it leave to file its appearance as additional counsel of record on behalf of the Defendants, NG Express, Inc. and Montex Transportation, Inc. *instante*.

Respectfully submitted,

**BULLARO & CARTON, P.C.**

By:   
Cornelius J. Harrington, III

BULLARO & CARTON, P.C.  
200 North LaSalle Street  
Suite 2500  
Chicago, IL 60601  
(312) 831-1000  
(312) 831-0647